

Message Text

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PAGE 01 STATE 187687
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TO AMEMBASSY SANTIAGO

INFO AMEMBASSY BERN

C O N F I D E N T I A L STATE 187687

STADIS////////////////////////////////////

FOR AMB. ELLIOT L. RICHARDSON

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: LETTER TO AMB. RICHARDSON FROM AUSTRALIAN
AMBASSADOR BRENNAN

REF: BERN 3434 (NOTAL)

1. FOLLOWING IS TEXT OF CONFIDENTIAL LETTER FROM AUSTRALIAN
AMBASSADOR TO SWITZERLAND KEITH BRENNAN DATED JULY 12.

2. QUOTE - DEAR ELLIOT, THANK YOU FOR YOUR LETTER OF 15
JUNE 1978 REVIEWING THE WORK OF THE SEVENTH SESSION OF THE
LAW OF THE SEA CONFERENCE WITH WHICH YOU ENCLOSED THE TEXT
OF YOUR PRESS STATEMENT OF 22 MAY AND A LIST OF ISSUES OUT-
STANDING. THE PRESS RELEASE MUST HAVE GIVEN YOU RATHER
MORE PLEASURE THAN THE ONE YOU ISSUED AT THE END OF THE
SIXTH SESSION.

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I FIND MYSELF LARGELY IN AGREEMENT WITH YOUR VIEWS. THE
TEXTS WHICH HAVE SO FAR COME OUT OF NEGOTIATING GROUPS 1,
4 AND 5 SHOULD BE FROZEN FOR THE TIME BEING SO THAT GOVERN-
MENTS MAY HAVE AN OPPORTUNITY OF REFLECTING ON THEM IN THEIR
PRESENT FORM. THIS IS NECESSARY TO WIDEN THEIR ACCEPT-
ABILITY.

IT WOULD BE A GREAT ACHIEVEMENT IF THE WORK OF NEGOTIATING GROUP 6 COULD BE BROUGHT TO A SATISFACTORY OUTCOME. THIS SEEMS TO BE DEPENDENT VERY MUCH ON OUR SOVIET COLLEAGUES. I HOPE TO BE SEEING KHLESTOV IN BUENOS AIRES NEXT WEEK AND I SHALL CERTAINLY DISCUSS THE QUESTION OF THE CONTINENTAL SHELF WITH HIM. I IMAGINE THAT MOST DELEGATIONS WOULD AGREE THAT A SUCCESSFUL OUTCOME TO THE WORK OF NEGOTIATING GROUP 6 SHOULD BE OUR HIGHEST PRIORITY FOR THE RESUMED SEVENTH SESSION.

THE SUGGESTIONS THAT YOU MAKE REGARDING THE NJENGA, KOH AND ENGO GROUPS ARE SIMILAR TO IDEAS WHICH I HAD FROM ZULETA IN ROME RECENTLY, AND I AGREE WITH THEM. I UNDERSTAND THAT NJENGA WOULD NOT MAKE HIMSELF AVAILABLE TO PRESIDE OVER A MEETING CALLED TO RE-HASH WHAT HE DID IN GENEVA; THOUGH HE WOULD COME TO NEW YORK IF THE PROPOSAL WAS TO MOVE FORWARD FROM WHERE THE GENEVA DISCUSSIONS LEFT OFF.

ZULETA ALSO MENTIONED TO ME THE POSSIBILITY OF HAVING SOME CORRIDOR DISCUSSIONS IN VERY RESTRICTED GROUPS ON THE QUESTION OF THE ELIGIBILITY OF THE COOK ISLANDS, THE PLO AND THE EEC TO BECOME PARTIES TO THE CONVENTION. THIS MIGHT BE USEFUL.

WE WILL NEED ALSO TO DISCUSS IN NEW YORK PROCEDURES FOR THE EIGHTH SESSION ET SEQ. THE INGREDIENTS OF THE CONVENTION.
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TION ARE CLOSE TO FINALISATION. WHEN THEY HAVE ALL BEEN ASSEMBLED TIME WILL BE NEEDED TO ALLOW THEIR ACCEPTABILITY TO WIDEN TO THE POINT OF UNIVERSALITY.

MY GUESS IS THAT THE INGREDIENTS OF THE CONVENTION WILL ALL HAVE BEEN ASSEMBLED (PROBABLY IN THE FORM OF THE ICNT PLUS A COLLECTION OF REPORTS OF WORKING GROUPS) AT THE END OF A SPRING SESSION IN 1979. A REVISION OF THE ICNT, A READING OF THE REVISED ICNT AND THE FORMALIZATION OF THE REVISED ICNT WOULD TAKE PLACE IN THE SUMMER OF 1979. (WARIOBA INCIDENTALLY, SUGGESTED THAT THE REVISION OF THE ICNT AND ITS FORMALIZATION MIGHT BE ONE STEP, NOT TWO. I SEE NO OBJECTION TO THIS, BUT DOUBT THE WILLINGNESS OF THE CONFERENCE TO CONCERTINA THE TWO STEPS IN THAT WAY.) WE WOULD THEN NEED TO TURN THE TEXT OVER TO THE DRAFTING COMMITTEE (WHICH WOULD PROBABLY HAVE BEEN WORKING ON IT BETWEEN THE SPRING AND SUMMER SESSIONS) FOR A FINAL RUN THROUGH; AND, WITH LUCK, WE MIGHT THEN BE READY FOR CARACAS IN THE SPRING OF 1980.

AS FAR AS CONCERNS MARINE SCIENTIFIC RESEARCH, FELIX KOVALEV TOLD ME THAT USSR WOULD AGREE TO CHANGES IN THE

TEXT ONLY IF THEY WERE ACCEPTABLE TO THE GROUP OF 77; AND HE SAID THAT THE GROUP OF 77 TOOK ITS LEAD IN REGARD TO SCIENTIFIC RESEARCH RATHER FROM COUNTRIES LIKE BRAZIL, PERU AND PAKISTAN THAN FROM THE REPRESENTATIVES OF THE GROUP OF 77, IN THE OLD CASTANEDA-VINDENES GROUP. YOU MIGHT LIKE TO BEAR THIS IN MIND IN THE COURSE OF YOUR INTERSESSIONAL DISCUSSIONS.

I AM NOT SURE THAT I SEE EYE TO EYE WITH YOU IN REGARD TO THE REVIEW CLAUSE OR THE "BRAZIL" CLAUSE ON TRANSFER OF TECHNOLOGY. SO FAR AS THE REVIEW CLAUSE IS CONCERNED, WE CAN NOT EXPECT CONSENSUS ON A TEXT WHICH IN THE ABSENCE OF AGREEMENT WOULD EITHER PRESERVE THE PARALLEL SYSTEM OR ESTABLISH A UNITARY SYSTEM. TO HAVE A NATIONAL RIGHT OF CONFIDENTIAL

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ACCESS ENTRENCHED IN ADVANCE OF THE REVIEW CONFERENCE (AS YOUR PRESS STATEMENT SEEMS TO IMPLY) SEEMS TO ME TO BE THE SAME THING AS ENTRENCHING THE PARALLEL SYSTEM. ONLY IF THE RESULT OF THE REVIEW CONFERENCE IS LEFT COMPLETELY OPEN DO WE HAVE A CHANCE OF CONSENSUS.

SO FAR AS CONCERNS THE "BRAZIL" CLAUSE ON TRANSFER OF TECHNOLOGY, I CAN UNDERSTAND THAT OPINIONS MIGHT DIFFER AS TO ITS ACCEPTABILITY AND ITS EQUITY. BUT I SEE CONSIDERABLE DIFFICULTY IN NEGOTIATING IT OUT OF THE TEXT.

I LOOK FORWARD TO SEEING YOU AGAIN IN NEW YORK WHERE I BELIEVE THERE IS GOOD REASON TO HOPE FOR PROGRESS.

WITH ALL BEST WISHES, YOURS SINCERELY, SIGNED KEITH.
UNQUOTE. VANCE

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